



PATENT 740819-261

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:) Group Art Unit: 2811
Masaaki NISHIJIMA) Examiner: D. Owens
Serial No. 09/351,160)
Filed: July 12, 1999)
For: SEMICONDUCTOR DEVICE)
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Req for
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10-28-02

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REQUEST FOR RECONSIDERATION

Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

The Examiner's Action mailed July 17, 2002 has been received and its contents carefully noted. In view thereof, filed concurrently herewith is a verified translation of Applicant's priority document (JP 10-198269) in order to perfect Applicant's claim for priority. Additionally, filed concurrently herewith is a Request for Drawing Change Approval wherein Figure 4 has been amended in order to show every feature of the invention as specified in the claims, particularly that specified in claim 34.

Accordingly, it is respectfully submitted that Applicant's claimed invention as set forth in each of claims 23-27, 29, 32 and 34-40 and now in proper condition for allowance.

Initially, with reference to the Official Action, Applicant acknowledges the Examiner's indication on page 3 thereof that claims 23-27, 29, 32 and 35-40 are allowable over the prior art of record. Accordingly, it is respectfully requested that such claims again be indicated as being allowable.

With reference now to paragraph 1 of the Office Action, the drawings have been objected to under 37 CFR 1.83(a) in that the drawings must show every feature of the invention specified in the claims. Particularly, the Examiner is of the position that the two dielectric layers with mutually different dielectric constants as set forth in claim 34 must be shown in the features cancelled from the claims. In this regard, filed concurrently herewith is a proposed drawing correction wherein Figure 4 has been amended in order to properly illustrate the two distinct dielectric layers. Accordingly, it is respectfully requested that the proposed drawing correction

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be entered and fully considered by the Examiner and that the objection to the drawings be withdrawn subject to Applicant's filing of formal drawings.

With reference to paragraphs 2 and 3 of the Office Action, claim 34 has been rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,211,561 issued to Zhao. This rejection is respectfully traversed in that filed concurrently herewith is a verified Translation of Applicant's priority document (JP 10-198269) in order to perfect Applicant's claim to such priority. That is, U.S. Patent No. 6,211,561 issued to Zhao is placed on file in the U.S. Patent and Trademark Office on November 16, 1998. As can be seen from Applicant's priority application, this application is entitled to an effective filing date of July 14, 1998 and that the present application was placed on file on July 12, 1999 within one year of the convention priority date, with such priority being properly claimed in Applicant's declaration executed on July 21, 1999 and based on the filing in the U.S. Patent and Trademark Office on September 13, 1999.

Accordingly, it is respectfully submitted that Applicant's claimed invention predates that of U.S. Patent No. 6,211,561 and consequently, such patent is not prior art to the subject application and therefore, claim 34 is in proper condition for allowance.

Therefore, in view of the foregoing, it is respectfully requested that the objection rejections of record be reconsidered and withdrawn by the Examiner, that claims 23-27, 29, 32 and 34-40 be allowed, and that the application pass to issue. Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/351,160	
	Filing Date	July 12, 1999	
	First Named Inventor	Masaaki NISHIJIMA	
	Group Art Unit	2811	
	Examiner Name	D. OWENS	
Total Number of Pages in This Submission		Attorney Docket Number	740819-261

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Request for Reconsideration <input checked="" type="checkbox"/> Request for Approval of Drawing Changes <input checked="" type="checkbox"/> Declaration and Priority Document <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Other RECEIVED OCT 18 2002 TECHNOLOGY CENTER 2800
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	<u>Donald R. Studebaker (Reg. No. 32,815)</u> Nixon Peabody LLP 8180 Greensboro Drive Suite 800 McLean, VA 22102
Signature	
Date	October 17, 2002

CERTIFICATE OF MAILING		
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